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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon Fitch, on behalf  
of themselves and all others similarly situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting  
Championship and UFC,

Defendant.

Case No. 2:15-cv-01045 RFB-(PAL)

**JOINT STATUS REPORT**

1 Luis Javier Vazquez and Dennis Lloyd  
2 Hallman, on behalf of themselves and all  
others similarly situated,

3 Plaintiffs,

4 v.

5 Zuffa, LLC, d/b/a Ultimate Fighting  
6 Championship and UFC,

7 Defendant.

Case No. 2:15-cv-01055 RFB-(PAL)

8  
9 Brandon Vera and Pablo Garza, on behalf of  
themselves and all others similarly situated,

10 Plaintiffs,

11 v.

12 Zuffa, LLC, d/b/a Ultimate Fighting  
13 Championship and UFC,

14 Defendant.

Case No. 2:15-cv-01056 RFB-(PAL)

15  
16 Gabe Ruediger and Mac Danzig, on behalf of  
themselves and all others similarly situated,

17 Plaintiffs,

18 v.

19 Zuffa, LLC, d/b/a Ultimate Fighting  
20 Championship and UFC,

21 Defendant.

Case No. 2:15-cv-01057 RFB-(PAL)

Kyle Kingsbury and Darren Uyenoyama, on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting  
Championship and UFC,

Defendant.

Case No. 2:15-cv-01046 RFB-(PAL)

The parties in the above-captioned matters have met and conferred and submit the  
following Joint Status Report in this consolidated case.<sup>1</sup>

### **Statement of the Case**

#### **Plaintiffs' Statement**

Plaintiffs are eleven Mixed Martial Arts ("MMA") Fighters, who have brought this  
antitrust class action against Zuffa, LLC (the "UFC" or "Defendant"). Plaintiffs who have all  
fought for the UFC, allege that, through a series of anticompetitive, illicit, and exclusionary acts,  
the UFC has illegally acquired and enhanced monopoly and monopsony power in violation of  
Section 2 of the Sherman Act, 15 U.S.C. § 2, and used that power to artificially suppress  
compensation to Plaintiffs and members of the proposed classes. Plaintiffs claim the UFC's illicit  
conduct involves, among other things, (a) entering into exclusive contracts with Elite MMA  
Fighters that effectively blocked the vast majority from fighting for rivals, (b) impairing and then  
acquiring multiple rival promotion companies, and (c) entering exclusive agreements with key

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<sup>1</sup> On June 4, 2015, Judge Boulware issued a minute order directing a Joint Status Report be filed  
by July 4, 2015, including a "list of pending motions and/or other matters requiring the attention  
of this Court" in *Vera, et al. v. Zuffa, LLC*, 2:15-cv-01056, Dkt. 65. On June 5, 2015, Judge  
Gordon ordered the parties to submit a joint status report by June 12, 2015, "explaining what  
motions remain to be decided, the status of briefing of each such motion, whether there are any  
out-of-ordinary timing issues regarding the pending motions, and any other information the court  
should be aware of" in *Vazquez, et al. v. Zuffa, LLC*, 2:15-cv-01055, Dkt. 66. On June 11, 2015,  
*Vera, Vazquez* and the other three *Zuffa* cases were consolidated by order of Judge Boulware. *Le*  
Dkt. 101. This Joint Status Report applies to the consolidated case.

sponsors and venues. The UFC's exclusive contracts with fighters are set up so that they effectively lock fighters into the UFC in perpetuity. As a result of its scheme, the UFC has foreclosed – and faces no- competition in the market for promoting live Elite MMA Events, relegating all other MMA promotional outfits to “minor league” status. Plaintiffs allege that the UFC's exclusionary scheme has allowed it to exploit UFC fighters by operating as a monopsony in the market for Elite MMA Fighter services. Elite MMA Fighters have nowhere else to turn to sell their services. As a result, the UFC's fighters are all compensated a mere fraction of what they would make in a competitive market. Rather than earning paydays comparable to boxers, a sport with many natural parallels, all of the UFC's fighters are substantially undercompensated despite the punishing – and popular – nature of their profession.

#### **Defendant's Statement**

Zuffa denies that its contracts with athletes and other third-parties are anticompetitive or foreclose competition, either individually or in the aggregate. Zuffa believes these types of contracts are commonly used and are pro-competitive. Zuffa disputes Plaintiffs' assertion of monopoly power in either alleged relevant market. Zuffa contends that rivals have ample access to necessary competitive inputs and that competition in the MMA industry has flourished accordingly. Further, Zuffa believes that its success as a promoter is due to its hard work, investments, and foresight in developing professional MMA from the fringe to a successful mainstream sport enjoyed by millions of people around the world. New promoters have entered the market and successfully contracted with fighters, secured venues, and attracted sponsors and media distribution. Today, MMA is one of the fastest growing spectator sports in the world and athletes have more opportunities than ever before to participate in MMA events and/or to receive greater compensation. Zuffa contends that its practices are wholly lawful under the Sherman Act, that the Complaints fail to state a cause of action, and that the action is not properly maintained as a class action.

#### **Transfer to the District of Nevada**

On June 2, 2015, Judge Davila of the Northern District of California granted Zuffa's motion to transfer these five cases to the District of Nevada. On June 11, 2015, Judge Boulware

ordered the cases consolidated. *Le* Dkt. 101.

## **Outstanding Motions**

The following motions were filed in the Northern District of California and are still outstanding:

1. Plaintiffs moved for the appointment of interim co-lead class counsel in the *Le*, *Vazquez*, and *Vera matters*. Zuffa did not take a position on this motion.<sup>2</sup> This motion was filed in the Northern District of California on February 13, 2015 and was set for hearing on June 11, 2015. Neither party has any objection to the Court resolving this motion without oral argument.

2. Zuffa has filed consolidated Motions to Dismiss all five complaints.<sup>3</sup> The Motions are fully briefed, but have not been argued. The parties respectfully request that the Court set the Motions for argument.

## **Discovery**

On April 15, 2015, the parties held an in-person Rule 26(f) conference and have discussed other issues by telephone on multiple occasions, including issues related to discovery, protective orders, and preservation obligations. The parties exchanged their Initial Disclosures on May 8,

<sup>2</sup> Plaintiffs' Motion to Appoint Interim Co-Lead Class Counsel: *Le*, Dkt. 58; *Vazquez*, Dkt. 34; *Vera*, Dkt. 34.

Zuffa's Statement of Non-Opposition: *Le*, Dkt. 63; *Vazquez*, Dkt. 38; *Vera*, Dkt. 38.

<sup>3</sup> Because the cases retained separate dockets in the Northern District before transfer, the parties filed their pleadings in all five cases, as reflected in the separate docket numbers for each case listed below. The filings in each case were identical, except as specifically noted below.

Zuffa's Motion to Dismiss: *Le et al. v. Zuffa, LLC*, Case No. 5:14-cv-05484, Dkt. 64; *Vazquez, et al. v. Zuffa, LLC*, Case No. 5:14-cv-05591-EJD, Dkt. 39; *Vera, et al. v. Zuffa, LLC*, Case No. 5:14-cv-05621-EJD, Dkt. 39; *Ruediger et al. v. Zuffa, LLC*, Case No. 5:15-cv-00521-EJD, Dkt. 16; *Kingsbury et al. v. Zuffa, LLC*, Case No. 5:15-cv-01324-EJD, Dkt. 16 (incorporated previous consolidated motion to dismiss by reference).

Plaintiffs' Opposition to Motion to Dismiss: *Le*, Dkt. 71; *Vazquez*, Dkt. 45; *Vera*, Dkt. 45; *Ruediger*, Dkt. 22; *Kingsbury*, Dkt. 23.

Zuffa's Reply ISO Motion to Dismiss: *Le*, Dkt. 82; *Vazquez*, Dkt. 55; *Vera*, Dkt. 55; *Ruediger*, Dkt. 32; *Kingsbury*, Dkt. 27.

2015. Plaintiffs propounded their first set of Requests for Production on Zuffa on April 26, 2015. Zuffa filed its objections and responses on June 9, 2015. Plaintiffs have also served third-party subpoenas on Twitter, Inc. to which both Twitter and Zuffa have objected.

Defendant filed a Motion to Stay Discovery pending resolution of the Motion to Transfer and the Motion to Dismiss in the Northern District of California.<sup>4</sup> The parties agreed on a stipulated order, which was entered by Judge Davila, that held the motion in abeyance and stayed discovery pending resolution of the Motion to Transfer and set a schedule for Plaintiffs to respond to the Motion to Stay Discovery after the transfer motion was decided, which schedule would have set July 2, 2015 as the date for the Plaintiffs to file its Opposition to the Motion to Stay.<sup>5</sup>

On June 5, Magistrate Judge Koppe denied Zuffa's Motion to Stay Discovery without prejudice in the *Kingsbury* matter with the option to re-file and address relevant case law in this District by June 12, 2015. *Kingsbury et al. v. Zuffa, LLC*, 2:15-cv-01046 RCJ-(NJK), Dkt. 37. In response to Magistrate Judge Koppe's Order, Defendant intends to file a revised Motion to Stay Discovery pending resolution of the Motion to Dismiss in the consolidated case on June 12, 2015. In light of counsel's schedules, the parties intend to submit a stipulation requesting that the Court set July 2, 2015 as the deadline for the Plaintiffs to respond to the Motion to Stay.

Dated June 12, 2015

Respectfully submitted,

By: /s/ J. Colby Williams  
J. COLBY WILLIAMS

*Attorneys of Record for Defendant Zuffa, LLC, d/b/a  
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WILLIAM A. ISAACSON  
(*Pro Hac Vice* to be filed)

<sup>4</sup> Zuffa's Motion to Stay Discovery: *Le*, Dkt. 87; *Vazquez*, Dkt. 57; *Vera*, Dkt. 57; *Ruediger*, Dkt. 34; *Kingsbury*, Dkt. 29.

<sup>5</sup> *Le*, Dkt. 91; *Vazquez*, Dkt. 61; *Vera*, Dkt. 61; *Ruediger*, Dkt. 38; *Kingsbury*, Dkt. 33.

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1 Dated: June 12, 2015

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of June, 2015, a true and correct copy of **JOINT STATUS REPORT** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Christie Rehfeld  
Christie Rehfeld, an Employee of  
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